United Nations S/2016/960

Security Council

Distr.: General
15 November 2016

Original: English

United States of America: draft resolution

The Security Council,

Recalling its previous resolutions and its presidential statements on the situation in Sudan and South Sudan, and in particular, resolutions 1990 (2011), 2024 (2011), 2032 (2011), 2046 (2012), 2047 (2012), 2075 (2012), 2104 (2013), 2126 (2013), 2156 (2014), 2179 (2014), 2205 (2015), 2230 (2015), 2251 (2015) and 2287 (2016) as well as presidential statements S/PRST/2012/19 and S/PRST/2013/14, and the Council's press statements of 18 June 2012, 21 September 2012, 28 September 2012, 6 May 2013, 14 June 2013, 14 February 2014, 17 March 2014, 11 December 2014, and 27 November 2015,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Sudan and South Sudan, and to the purposes and the principles of the Charter of the United Nations, and recalling the importance of the principles of good neighbourliness, non-interference and regional cooperation,

Reiterating that the territorial boundaries of States shall not be altered by force, and that any territorial disputes shall be settled exclusively by peaceful means, *affirming* the priority it attaches to the full and urgent implementation of all outstanding issues from the Comprehensive Peace Agreement (CPA), and *underscoring* that the future status of Abyei shall be resolved by negotiations between the parties in a manner consistent with the CPA and not by the unilateral actions of either party,

Recalling the commitments made by the Government of Sudan and the Government of South Sudan in the 20 June 2011 Agreement between the Government of Sudan and the Sudan People's Liberation Movement on Temporary Arrangements for the Administration and Security of the Abyei Area, the 29 June 2011 Agreement between the Government of the Sudan and the Government of South Sudan on Border Security and the Joint Political and Security Mechanism (JPSM), and the 30 July 2011 Agreement on the Border Monitoring Support Mission between the Government of Sudan and the Government of South Sudan, as well as the 27 September 2012 Agreements on Cooperation and Security Arrangements, the JPSM's 8 March 2013 decision, and the Implementation Matrix of 12 March 2013, reached by the Government of Sudan and the Government of South Sudan in Addis Ababa under the auspices of the African Union High-level Implementation Panel (AUHIP), as well as the extraordinary meeting of the JPSM on 13-14 October 2015 and the ordinary session of the JPSM on 5 June 2016,

Please recycle

Recognizing some positive developments reported at the beginning of this year in relations between the Governments of Sudan and South Sudan on border security, encouraging progress on improving bilateral relations between Sudan and South Sudan, and *stressing the need* for regular meetings of the JPSM and other joint mechanisms, including the Joint Border Commission and Joint Demarcation Committee, to enable dialogue and coordination on matters of border security,

Urging the Governments of Sudan and South Sudan to reinvigorate progress towards implementing the Temporary Arrangements for the Administration and Security of the Abyei Area as set out in the 20 June 2011 Agreement,

Expressing its full support for the efforts of the African Union on the situation between the Republic of Sudan and the Republic of South Sudan, in order to ease the current tension, facilitate the resumption of negotiations on post-secession relations and the normalization of their relations, *recalling* in this regard the African Union Peace and Security Council (AUPSC) communiqués of 24 April 2012, 24 October 2012, 25 January 2013, 7 May 2013, 29 July 2013, 23 September 2013, 26 October 2013, 12 November 2013, 12 September 2014, 31 July 2015, 25 August 2015, and 19 January 2016; the AUPSC press statements of 6 November 2013, 24 March 2015, and 10 December 2015; and the statement from the Chairperson of the African Union Commission on 28 October 2013 and the 24 June 2015 and 14 October 2015 statements from the African Union Commission,

Reaffirming its previous resolutions 1265 (1999), 1296 (2000), 1674 (2006), 1738 (2006), 1894 (2009) 2175 (2014) and 2222 (2015) on the protection of civilians in armed conflict; 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014) and 2223 (2015) on children and armed conflict; 1502 (2003) on the protection of humanitarian and United Nations personnel; and 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013), and 2242 (2015) on women, peace and security,

Stressing the need for effective human rights monitoring and reporting, including of any sexual and gender-based violence and violations and abuses committed against women and children, taking note that there have been no developments with regard to the operationalization of human rights monitoring in the Abyei Area, and *reiterating* its concern at the lack of cooperation by the parties with the Secretary-General to this end,

Recalling that its resolution 2086 (2013) reiterates the importance, when establishing and renewing the mandates of United Nations Missions, of including provisions on the promotion of gender equality and the empowerment of women in post-conflict situations and on children and armed conflict, and *emphasizing* that persistent barriers to full implementation of resolution 1325 (2000), and subsequent resolutions on women, peace, and security, including 2242 (2015), will only be dismantled through dedicated commitment to women's empowerment, participation, and human rights, and through concerted leadership, consistent information and action, and support, to build women's engagement in all levels of decision-making,

Acknowledging the Government of Sudan and the Government of South Sudan's acceptance at the 13-14 October 2015 JPSM meeting of the map presented by the AUHIP in November 2011 relating to the Safe Demilitarized Border Zone (SDBZ), their agreement that the centreline is only the location of the separation

line between armed forces, as well as the parties' agreement to activate all mechanisms relating to the JPSM as provided for in relevant agreements, and *encouraging* the parties to delineate or agree on the coordinates of, and demilitarize the SDBZ, including the "14 Mile Area", and to fully implement the Joint Border Verification and Monitoring Mechanism (JBVMM), in accordance with Security Council resolution 2046 (2012) and the AUPSC Roadmap of 24 April 2012, and *underlining* the importance of fully establishing and maintaining effective JBVMM monitoring of the SDBZ, including the "14 Mile Area", and *further urging* the parties to cooperate in allowing the United Nations Interim Security Force for Abyei (UNISFA) to fulfil its responsibility to provide security for the JBVMM's mission to monitor the SDBZ,

Noting with concern the absence of local institutions to manage the Abyei Area and lack of progress in convening an Abyei Joint Oversight Committee (AJOC) meeting since March 2015,

Recognizing the importance of regular dialogue between the Governments of Sudan and South Sudan, *recalling* the United Nations Security Council decision in resolution 2046 (2012) that the parties must resume immediately negotiations to reach agreement on Abyei final status under the auspices of the AUHIP, *calling upon* all parties to engage constructively in the process mediated by the AUHIP towards final agreement on the final status of the Abyei Area, and *stressing* that the parties must immediately implement pending aspects of the 20 June 2011 Agreement, in particular to resolve the dispute over the Abyei Area Agreement, and to resolve the dispute over the Abyei Area Council, and immediately establish the Abyei Area Administration and Abyei Police Service,

Stressing that both countries and communities will have much to gain if they show restraint and choose the path of dialogue instead of resorting to violence or provocations,

Commending the continued assistance provided to the parties by the AUHIP, the Intergovernmental Authority on Development, the Federal Democratic Republic of Ethiopia, the Special Envoy of the Secretary-General for Sudan and South Sudan, and UNISFA,

Further commending the efforts of UNISFA in effectively carrying out its mandate, including by its ongoing facilitation of peaceful migration throughout the Abyei Area, conflict prevention, mediation and deterrence, and *expressing its deep appreciation* for the work of the troop-contributing countries, and *strongly underscoring* the unacceptability of any attack on United Nations personnel, including the 26 November 2015 attack that resulted in the death of a peacekeeper, and *reiterating* that such attacks should be swiftly and thoroughly investigated, and that those responsible should be held to account,

Taking note of the security situation in the Abyei Area as characterized by the 12 October 2016 Secretary-General's report (S/2016/864), and *acknowledging* UNISFA's contribution to enhanced peace and stability since its deployment and *expressing* its determination to prevent the recurrence of violence against or displacements of civilians and to avert intercommunal conflict,

Reiterating its deep concern regarding the public administration and rule of law vacuum in the Abyei Area, due to continued delays in the establishment of the

Abyei Area Administration and Council and Police, including a special unit to deal with particular issues related to nomadic migration, which are essential to maintain law and order and prevent intercommunal conflict in Abyei, and in this regard, *welcoming* UNISFA's efforts to support and strengthen community protection committees, and to continue engaging with both governments on this issue,

Noting with concern the continued delay in establishing the temporary institutions and resolving the final status of Abyei and that the continued threat of intercommunal violence contributes to heightened tensions in the Abyei Area, including those ongoing tensions that prevent UNISFA's and other agencies' Sudanese staff from returning to Abyei,

Urging all parties to refrain from any unilateral action that could aggravate intercommunal relations within the Abyei Area, *expressing concern* over the continued implications of what the AUPSC described in their 6 November 2013 press statement as "the decision by the Ngok Dinka to conduct a unilateral referendum" and also in this context, taking note that the Government of Sudan proceeded with its April 2015 national elections in Abyei,

Taking note of the information in the 15 April 2016 Secretary-General's report (S/2016/353) regarding completion of earthwork excavation at the Diffra oil installation,

Bearing in mind the current humanitarian situation in which humanitarian actors continue to provide assistance to 139,000 people in the Abyei Area and the importance of coherence of United Nations assistance in the region, and *further stressing* the urgency of facilitating the delivery of humanitarian assistance to all affected populations,

Affirming the importance of voluntary, safe, dignified return and sustainable reintegration of displaced persons, and of peaceful and orderly migration cycles respecting the traditional migratory routes from Sudan to South Sudan through Abyei, and urging UNISFA to continue to take measures as necessary to ensure security in the Abyei Area in accordance with its mandate,

Recalling its resolution 2117 (2013), and expressing grave concern at the threat to peace and security in Abyei arising from the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons, *welcoming* the completion of infrastructure, systems, and policy for weapons confiscation, storage and destruction, and *calling on* UNISFA to ensure adequate protection of this infrastructure,

Expressing concern about the residual threat of landmines and explosive remnants of war in the Abyei Area, which hinders the safe return of displaced persons to their homes, safe migration, and livelihood activities,

Taking note of the 12 October 2016 Secretary-General's report (S/2016/864), including the Secretary-General's call on the parties to renew efforts to address the issues that have remained unresolved, implement the 20 June 2011 Abyei Agreement, and ensure full and permanent withdrawal of all unauthorized forces from the Abyei Area,

Recalling that the Security Council welcomed in resolution 2205 (2015) the decision of the Secretary-General to appoint a civilian head of mission,

Recognizing that the current situation in Abyei and along the border between the Sudan and South Sudan continues to constitute a serious threat to international peace and security,

1. *Decides* to extend until 15 May 2017 the mandate of the United Nations Interim Security Force for Abyei (UNISFA) as set out in paragraph 2 of resolution 1990 (2011) and modified by resolution 2024 (2011) and paragraph 1 of resolution 2075 (2012), and acting under Chapter VII of the Charter of the United Nations, *further decides* to extend until 15 May 2017 the tasks of UNISFA as set out in paragraph 3 of resolution 1990 (2011), and determines that for the purposes of paragraph 1 of resolution 2024 (2011), support to the operational activities of the JBVMM shall include support to the Ad Hoc Committees, as appropriate when so requested by consensual decisions of these mechanisms, within UNISFA's operational area and existing capabilities;

2. *Takes note* of the stated intention by both sides to hold another AJOC meeting, *regrets* the meeting has not yet taken place, and *urges* the holding of more productive meetings to ensure steady progress on the implementation of previous AJOC decisions and the 20 June 2011 Agreement, *recalls* the need for African Union initiatives to support this goal and *encourages* its renewed engagement, and *requests* the Secretary-General to provide an assessment of progress on these issues in his regular reports;

3. *Underscores* that continued cooperation between the Government of Sudan and Government of South Sudan is also critical for peace, security and stability and the future relations between them;

4. *Further reiterates* its demand that Sudan and South Sudan urgently commence the establishment of the Abyei Area Administration and Council, including by resolving the deadlock over the composition of the Council, and constitute the Abyei Police Service, to enable it to take over policing functions throughout the Abyei Area, including the protection of oil infrastructure, in accordance with their commitments in the 20 June 2011 Agreement;

5. *Expresses* renewed concern regarding the delays and stalled efforts to fully operationalize the JBVMM, *takes note* of the Secretary-General's benchmarks and recommendations regarding JBVMM operations, *takes note* that continued investment in achieving full operational capability of the JBVMM should be based on a set of conditions, including resolution of the dispute over the SDBZ, resumption of border demarcation discussions, occurrence of regular meetings of the JPSM, and granting of full freedom of movement, and *calls on* both parties to demonstrate full commitment to implementation of their border arrangements and take the necessary steps to this effect, including by follow up to the 5 June 2016 meeting and by swiftly holding a further meeting of the JPSM to take the operational decisions related to their agreement on the SDBZ;

6. *Decides* to maintain the troops authorized by resolution 2104 (2013) already deployed, and that the remaining authorized forces continue to be deployed dependent on the evolution of the JBVMM, to enable UNISFA to provide required force protection to the JBVMM and to enable UNISFA to fully support the JBVMM to conduct extended operations into the SDBZ as soon as possible, and *requests* the

Secretary-General to keep the Council fully updated on the status of deployment as part of his regular reporting cycle;

7. *Calls upon* the Government of Sudan and the Government of South Sudan to make timely and effective use of the JBVMM, JPSM and other agreed joint mechanisms to ensure the security and transparency of the SDBZ, including the "14 Mile Area";

8. *Urges* renewed efforts to determine conclusively the SDBZ centreline on the ground, and *reiterates* that the centreline of the SDBZ in no way prejudices the current or future legal status of the border, ongoing negotiations on the disputed and claimed areas, and demarcation of the borders;

9. *Underscores* that UNISFA's protection of civilians mandate as set out in paragraph 3 of resolution 1990 (2011) includes taking the necessary actions to protect civilians under imminent threat of physical violence, irrespective of the source of such violence;

10. *Condemns* the intermittent presence of South Sudan security service personnel and the deployment of Diffra Oil Police units in the Abyei Area, in violation of the 20 June 2011 Agreement, as well as any entry of armed militias into the territory, and *reiterates* its demands that immediately and without preconditions the Government of South Sudan fully redeploy its security service personnel from the Abyei Area and that the Government of Sudan redeploy the Oil Police in Diffra from the Abyei Area, and *further reiterates*, in accordance with relevant resolutions, in particular resolution 1990 (2011) and resolution 2046 (2012), that the Abyei Area shall be demilitarized from any forces, as well as armed elements of the local communities, other than UNISFA and the Abyei Police Service;

11. *Supports* the AJOC's 3 May 2013 and 30 March 2015 decisions on Abyei's status as a weapons-free area, *underscores* the AUPSC's concern in its 7 May 2013 Communiqué over reports that various communities living in Abyei are heavily armed, *recalls* that the 20 June 2011 Agreement on Temporary Arrangements for the Administration and Security of the Abyei Area stipulates that Abyei should be a weapons-free area and that only UNISFA is authorized to carry weapons inside the area, and in this regard, *urges* the two Governments to take all necessary steps to ensure that Abyei is effectively demilitarized, including through disarmament programs as necessary;

12. *Reaffirms* that UNISFA may undertake weapons confiscation and destruction in the Abyei Area as authorized under resolution 1990 (2011), consistent with its mandate and within its existing capabilities, in coordination with the signatories of the June 2011 Agreement on the Temporary Arrangements for the Administration and Security of the Abyei Area, the AJOC, and the Misseriya and Ngok Dinka communities and consistent with the previous AJOC decision to establish the Area as a "weapons free area", and *reiterates* its request that UNISFA, observe, document and report on the movement of weapons into Abyei and the presence, destruction and confiscation of weapons within Abyei as part of the Secretary-General's regular reporting cycle;

13. *Requests* UNISFA to continue its dialogue with the AJOC and with the Misseriya and Ngok Dinka communities on effective strategies and oversight mechanisms for ensuring full compliance by all relevant parties with Abyei's status

as a weapons-free area, with a particular priority placed on the urgent elimination of heavy or crew-served weapons, as well as rocket-propelled grenades, and *calls upon* the Governments of Sudan and South Sudan, the AJOC, and the Misseriya and Ngok Dinka communities to extend full cooperation to UNISFA in this regard;

14. *Urges* the two Governments immediately to take steps to implement confidence-building measures among the respective communities in the Abyei Area, including through reconciliation processes at the grass-roots level and supporting UNISFA in promoting community dialogue, *strongly welcomes* continued engagement between the Ngok Dinka and Misseriya communities, and *strongly urges* all Abyei communities to exercise maximum restraint in all their engagements and to desist from inflammatory acts or statements that may lead to violent clashes;

15. *Welcomes* the positive developments at the grass-roots level between the Ngok Dinka and Misseriya communities, particularly their noted commitment to reconciliation and cooperation, as demonstrated by the resumption of trading activities and the monitoring of stolen property and livestock, including the prompt return of or provision of compensation for stolen property to victims of crime;

16. *Welcomes* UNISFA initiatives, to support community dialogue and efforts by the Misseriya and Ngok Dinka communities to strengthen inter-communal relationships and facilitate stability and reconciliation in the Abyei Area, including the facilitation of joint peace committee meetings between both communities;

17. *Welcomes* UNISFA's continued efforts, within existing capabilities and resources, and in close coordination with the Misseriya and Ngok Dinka communities, to strengthen the capacities of Community Protection Committees in order to assist with management of law and order processes in Abyei and to continue engaging with both governments on this issue;

18. *Calls upon* all parties to cooperate fully with the findings and recommendations following the Abyei Area Joint Investigation and Inquiry Committee's investigation into the killing of a UNISFA peacekeeper and the Ngok Dinka Paramount Chief, *welcomes* the 24 March 2015 AUPSC press statement requesting the AU Commission to engage the parties on the findings and recommendations, and *reiterates* the need to enable the two communities to find closure on the assassination of the Ngok Dinka Paramount Chief, bearing in mind the need to promote stability and reconciliation in the Abyei Area;

19. *Expresses* its intention to review as appropriate the mandate of UNISFA for possible reconfiguration of the force in light of the compliance by Sudan and South Sudan with the decisions set forth in resolution 2046 (2012) and their commitments as set forth in the Agreements of 20 June, 29 June, 30 July 2011 and 27 September 2012, including the redeployment of all forces from the SDBZ, achieving full operational capability for the JVBMM, and the Ad Hoc Committees, as well as completing the full demilitarization of the Abyei Area;

20. *Calls upon* all Member States, in particular Sudan and South Sudan, to ensure the free, unhindered and expeditious movement, to and from Abyei and throughout the SDBZ, of all personnel, as well as equipment, provisions, supplies and other goods, including vehicles, aircraft, and spare parts, which are for the exclusive and official use of UNISFA;

21. *Renews* its call upon the Governments of Sudan and South Sudan to provide full support to the United Nations, including by promptly issuing visas to military, police and civilian United Nations personnel, including humanitarian personnel, without prejudice to their nationality, for entry into Sudan and South Sudan, facilitating basing arrangements, infrastructure construction in the Mission Area and flight clearances, and providing logistical support, *calls upon* the Governments of Sudan and South Sudan to facilitate travel from within Sudan and South Sudan to and from Abyei, and *further calls upon* all parties to fully adhere to their obligations under the Status of Forces Agreements;

22. *Recognizes* that the absence of development projects and the inability to deliver basic government services has had an adverse effect on Abyei populations and *calls upon* the Government of Sudan and the Government of South Sudan, as well as donors to support reconstruction and capacity-building;

23. *Demands* that the Government of Sudan and the Government of South Sudan continue to facilitate the deployment of the United Nations Mine Action Service (UNMAS) to ensure JBVMM freedom of movement, as well as the identification and clearance of mines in the Abyei Area and SDBZ;

24. *Further demands* that all parties involved allow all humanitarian personnel full, safe and unhindered access to civilians in need of assistance and all necessary facilities for their operations, in accordance with international law, including applicable international humanitarian law, and United Nations guiding principles of humanitarian assistance;

25. *Strongly urges* that all parties cease all forms of violence, human rights violations and abuses, violations of international humanitarian law, and violations and abuses against children in violation of applicable international law;

26. *Requests* the Secretary-General to ensure that effective human rights monitoring is carried out, and the results included in his reports to the Council, and reiterates its call upon the Government of Sudan and the Government of South Sudan to extend their full cooperation to the Secretary-General to this end, including by issuing visas to the concerned United Nations personnel;

27. *Recalls* resolution 2272 (2016) and *further requests* the Secretary-General to take the necessary measures to ensure full compliance of UNISFA with the United Nations zero tolerance policy on sexual exploitation and abuse and to keep the Council fully informed through his regular country-specific reports to the Council about UNISFA's progress in this regard, including with respect to the implementation of resolution 2272 (2016);

28. *Requests* the Secretary-General to continue to inform the Council of progress in implementing UNISFA's mandate in one written report, no later than 15 April 2017, and continue to bring to the Council's immediate attention any serious violations of the above referenced Agreements;

29. *Requests* the Secretary-General to conduct a strategic review of UNISFA, comprising an in-depth examination into the related resources and structure of its uniformed and civilian components, and *further requests* the Secretary-General to report to the Security Council on the results of this review no later than 1 April 2017, including findings and recommendations for how UNISFA should be

optimally configured and streamlined as appropriate, based on a rigorous evidence-based assessment of the impact of UNISFA activities towards the implementation of its mandate in resolution 2287 (2016);

30. *Notes* the Secretary-General's efforts to ensure close cooperation among United Nations missions in the region, including UNISFA, the United Nations Mission in the Republic of South Sudan (UNMISS), and the African Union-United Nations Hybrid Operation in Darfur (UNAMID), as well as his Special Envoy for Sudan and South Sudan, and requests that he continue this practice;

31. *Decides* to remain actively seized of this matter.